



Kansas Administrative Regulations  
Kansas Department of Health and Environment

Notice to Reader

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Where possible KDHE will append changed regulations to the appropriate article. Once again, the lack of any attachments should not be construed as meaning there are no revisions.

Nothing contained herein should be construed as legal advice by KDHE. If you are not an attorney, you should secure competent counsel to interpret the regulations and advise you.

Office of Public Information  
Kansas Department of Health & Environment

## *Notes*

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The *Kansas Register* notes the following changes:

(3) Section III—a description of the facility's implementation of a reporting system based upon the duty of all health care providers staffing the facility and all agents and employees of the facility directly involved in the delivery of health care services to report reportable incidents to the chief of the medical staff, chief administrative officer, or risk manager of the facility;

(4) Section IV, organization—a description of the organizational elements of the plan including:

(A) Name and address of the facility;

(B) name and title of the facility's risk manager;

(C) description of involvement and organizational structure of medical staff as related to risk management program, including names and titles of medical staff members involved in investigation and review of reportable incidents;

(D) organizational chart indicating position of the facility's review committee as defined in K.S.A. 65-4923 and L. 1986, Ch. 229, New Section 4(a)(2); and

(E) mechanism for ensuring quarterly reporting of incident reports to proper licensing agency.

(5) Section V—a description of the facility's resources allocated to implement the plan; and

(6) Section VI—documentation that the plan as submitted has been approved by the facility's governing body.

(f) Plan submittal. On and after November 1, 1986, each medical care facility shall submit the plan to the department at least 60 days prior to the license renewal date. After an initial plan is approved, any amendments to the plan shall be submitted to the department.

(g) Departmental review. Upon review of the facility's risk management plan or any amendments the department shall notify the facility in writing if the plan of amendments have been approved or disapproved. The written notification will specify the reason for disapproval.

(h) Revised plan. Within 60 days of the date the facility receives notification the plan has been disapproved, the facility shall submit a revised plan to the department.

(i) Plan publication. The plan shall be disseminated to personnel in accordance with the plan. (Authorized by and implementing L. 1986, Chapter 229, Sec. 3; effective, T-87-50, Dec. 19, 1986; effective May 1, 1987.)

### **Article 53.—CHARITABLE HEALTH CARE PROVIDERS**

28-53-1. **Definitions.** (a) "Agreement" means a written understanding between the de-

partment and a charitable health care provider regarding the rendering of professional services to medically indigent persons.

(b) "Department" means the Kansas department of health and environment.

(c) "Federally qualified health center" means a center which meets the requirements for federal funding under 42 USC section 1396d(1) of the public health service act, and which has been designated as a "federally qualified health center" by the federal government.

(d) "Indigent health care clinic" means an outpatient medical care clinic designed to provide care to the medically indigent under the medical direction of a qualified person licensed to practice medicine and surgery and licensed by the Kansas board of healing arts.

(e) "Local health department" means county, city-county and multi-county public health units established under the authority of K.S.A. 65-201.

(f) "Secretary" means the secretary of the Kansas department of health and environment. (Authorized by and implementing K.S.A. 1991 Supp. 75-6120; effective April 1, 1991; amended July 13, 1992.)

28-53-2. **Agreement.** (a) Each person applying for an agreement shall submit a completed application to the department on forms prescribed by the secretary.

(b) An agreement may be terminated by the secretary or the charitable provider with 30 days advanced written notice to the department. Failure of the provider to maintain proper licensure by the appropriate professional licensing agency shall constitute immediate cancellation of the agreement. (Authorized by and implementing K.S.A. 1991 Supp. 75-6120; effective April 1, 1991; amended July 13, 1992.)

28-53-3. **Eligibility criteria for medically indigent.** Persons shall qualify as medically indigent if they are:

(a) determined to be a member of a family unit earning at or below 200% of poverty income guidelines based on the annual update of "poverty income guidelines" published in the federal register by the United States department of health and human services;

(b) not indemnified against costs arising from medical and hospital care by a policy of accident and sickness insurance, an employee health benefits plan, a program administered by the state or federal government, or any such coverage; and

(c) seek health care at:

- (1) an indigent health care clinic;
- (2) a federally qualified health center; or
- (3) a participating local health department.

(Authorized by and implementing L. 1990, Ch. 329, sec. 1; effective April 1, 1991.)

**28-53-4. Records and reports.** (a) Charitable health care providers shall ensure that the clinics through which they provide care shall:

(1) maintain completed forms prescribed by the secretary and signed by the patient which certify that the individual receiving care pursuant to an agreement is medically indigent; and

(2) submit completed quarterly activity reports to the department on forms prescribed by the secretary.

(b) Failure to comply with the requirements of this section shall be grounds for cancellation of the agreement. (Authorized by and implementing L. 1990, Ch. 329, sec. 1; effective April 1, 1991.)

**28-53-5. Referrals.** Medically indigent persons may receive professional services from health care providers in other locations upon referral from a federally qualified health center, an indigent health care clinic, or a participating local health department. Any such referrals shall be reflected in the records of the referring entity. (Authorized by and implementing L. 1990, Ch. 329, sec. 1; effective April 1, 1991.)

#### **Article 54.—RESERVED**

#### **Article 55.—PCB FACILITY CONSTRUCTION PERMIT STANDARDS AND REGULATIONS**

##### **28-55-1. Applicability and definitions.**

(a) Substances that are regulated by these regulations include dielectric fluids, contaminated solvents, oils, waste oils, heat transfer fluids, hydraulic fluids, paints, sludges, slurries, dredge spoils, soils, materials contaminated as a result of spills, and any other chemical substances or combination of substances which contain a total PCB concentration of 50 parts per million (ppm) or more.

(b) "Material or substantial alteration or addition" means an increase in storage, treatment or disposal capacity by a factor of 50 percent or an increase in facility investment by a factor of 50 percent excluding inflation.

(c) "Minor permit modification" means any modification which does not expand or enlarge a

facility beyond the boundaries established by an existing permit and is not a material or substantial alteration or addition. (Authorized by and implementing K.S.A. 65-3481 as enacted by L. 1986, Ch. 226, Sec. 2; effective, T-87-37, Nov. 19, 1986; effective May 1, 1987.)

**28-55-2. PCB facility construction permit application.** (a) New facility application. After July 1, 1986 all applications to construct a PCB facility, which does not have an existing permit from the secretary, shall provide information which documents compliance with K.A.R. 28-55-5 and includes a business concern disclosure statement. The business concern disclosure statement shall include the following information: the name of the corporation, past corporate names, the place or places of incorporation, the names of officers, the names of former officers and directors, partnership or joint venture information, ownership and debt liability, subsidiaries and stock holdings, employee data, experience and credentials, licenses and permits, environmental violations history, environmental judgements and litigation, and criminal proceedings. This information shall be submitted on forms provided by the department.

(b) Permit modification application. An expansion, enlargement or modification of a facility beyond the specified areas indicated in the existing permit constitutes a new proposal for which a new construction permit application is required.

(c) Minor permit modifications. Minor modifications to permitted PCB facilities shall not require submittal of an amended permit application. The permittee shall submit a written notice to the department describing the modifications and all data justifying the designation as a minor permit modification. Upon written approval from the department the permittee may initiate the modification. Minor permit modifications are not required to meet the public notice, hearing and inspection procedures specified in K.A.R. 28-55-3(b), (c) and (g). (Authorized by and implementing K.S.A. 65-3481 as enacted by L. 1986, Ch. 226, Sec. 2; effective, T-87-37, Nov. 19, 1986; effective May 1, 1987.)

**28-55-3. Procedures for review of PCB facility permit applications.** (a) Draft permits. Once an application to construct or modify a PCB facility is determined to be complete, the secretary shall tentatively decide whether to prepare a draft permit or to deny the application. If the sec-